In the High Court of Punjab and Haryana at Chandigarh.

Civil Writ Petition No.17519 of 2002.

Date of decision:10.10.2006.

Jarnail Singh and another.

...Petitioners.

Versus

Union of India.

...Respondent.

...

Coram: Hon'ble Mr. Justice S. N. Aggarwal.

...

Present: Mr.Jagmohan Bansal Advocate for the petitioners.

Mr.Deepak Thapar Advocate for the respondents.

...

Judgment.

S. N. Aggarwal, J.

On 11.8.1999 Gulzar Singh,aged 65 years, was in the process of entering the railway bogie when all of a sudden, the train started moving without blowing any whistle by its driver or guard. As a result, Gulzar Singh fell down and sustained injuries. He died subsequently. Thereafter, the petitioners being the sons of Gulzar Singh filed the claim petition before the Railway Claims Tribunal, Chandigarh Bench, Chandigarh.

The case was contested by the respondents but the learned

Railway Claims Tribunal vide the award dated 30.03.2001 up-held the version of the petitioners and awarded them compensation to the tune of Rs.50,000/- only against the claim of Rs.four lacs made by the petitioners.

Hence, the present writ petition.

The submission of learned counsel for the petitioners was that under Section 124 of the Railways Act, the Railway Claims Tribunal was bound to award Rs.four lacs as compensation to the petitioners. It was also submitted that the learned Claims Tribunal has wrongly applied the provisions of Motor Vehicles Act, whereas it was bound to award Rs.four lacs. Reliance was placed on the un-reported judgment of Hon'ble Supreme Court reported as **Sabitri Sahoo Versus Union of India,** Civil Appeal No.3753 of 2003 decided on 25.4.2003. Reliance was also placed on the un-reported judgment of this Court reported as **Pashi Lal alias Subhash Chand etc. Versus Union of India and others,** FAO No.4570 of 2002 decided by this Court on 14.3.2005.

The learned counsel for the respondents fairly conceded that the present case is covered by the judgments relied upon by the learned counsel for the petitioners.

In view of the facts and law discussed above, this petition is accepted and the legal heirs of Gulzar Singh deceased are awarded a sum of Rs.four lacs as compensation. The amount of compensation will be distributed amongst the legal heirs of Gulzar Singh equally. They

would also be entitled to interest at the rate of 9% per annum from the date of filing of claim petition i. e.03.02.2000 till payment. However, the amount already received by the claimants shall be reduced from this amount and the interest amount shall be modified accordingly.

October ,2006. (S. N. Aggarwal)
Jaggi Judge